

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CHRISTA POINDEXTER,

Plaintiff,

v.

Case No. 2:20-cv-02206-SHL-cgc

**UNILEVER MANUFACTURING, INC.,
d/b/a UNILEVER FOOD SOLUTION,**

Defendant.

**REPORT AND RECOMMENDATION ON
PLAINTIFF'S MOTION TO DISMISS CASE**

Before the Court, by way of Administrative Order 2013-05,¹ is Plaintiff Christa Poindexter's *pro se* Complaint filed March 19, 2020 under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e alleging discrimination and retaliation on the basis of sex. (Docket Entry ("D.E." #1). On March 26, 2020, while the case was under review pursuant to 28 U.S.C. § 1915, Plaintiff filed a Motion to Dismiss Case stating that she no longer wants to proceed with this action. (D.E. #7).

Rule 41(a)(1) of the Federal Rules of Civil Procedure states that "the plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or an motion for summary judgment." Fed. R. Civ. P. 41(a)(1). "Unless the notice . . . states otherwise, the dismissal is without prejudice. But if the plaintiff previously

¹ The instant case has been referred to the United States Magistrate Judge by Administrative Order pursuant to the Federal Magistrates Act, 28 U.S.C. §§ 631-639. All pretrial matters within the Magistrate Judge's jurisdiction are referred pursuant to 28 U.S.C. § 636(b)(1)(A) for determination, and all other pretrial matters are referred pursuant to 28 U.S.C. § 636(b)(1)(B)-(C) for report and recommendation

dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.”

Here, Defendant has neither filed an answer nor a motion for summary judgment. Thus, it is RECOMMENDED that Plaintiff’s Motion to Dismiss be construed as a Notice of Dismissal and that judgment be entered accordingly.

DATED this 20th day of April, 2020.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE THEM WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.